IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY FIFTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 21424 of 2004

Between:

C.Prasanna Kumari, D/o.Venkataramana,
Rayachoty Town & Mandal, Cuddapah District.

..... PETITIONER

AND

1 The Revenue Divisional Officer, Cuddapah, Cuddapah District.
2 The Mandal Revenue Officer, Rayachoty, Rayachoty Mandal,

Cuddapah District.

3. P.C.Reddaiah Raju, S/o.Thippa Raju, 43 years, near Ravi Cinema Hall,

Bethol Colony, Rayachoti, Kadapa Dist.

(R-3 is impleaded as per Court order dt.25.3.2005 in WPMP No.2524/2005).

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more particularly one in the nature of writ of Mandamus declaring the proceedings in Ref.C/585/2004, dated 17-11-2004 issued by the 1st respondent as arbitrary, illegal, politically motivated, colorable exercise of power, violative of the principles of Natural Justice apart from being violative of the Fundamental Rights guaranteed to the petitioner under Articles 14,

19 (1) (g) and 21 of the Constitution of India and consequently set aside the same.

Counsel for the Petitioner: MR.V.R.REDDY KOVVURI

Counsel for the Respondents 1 and 2: GP FOR CIVIL SUPPLIES

Counsel for the Respondent No.3: Sri S.C.Rangappa

The Court made the following:

ORDER:

The dealership of Fair Price Shop at Bethol colony, Rayachoty Mandal, was temporarily allotted in favour of the petitioner pending finalization of the allotment on regular basis. For certain irregularities committed by the petitioner, an enquiry was conducted and show cause notice dated 9.8.2004 was issued by the first respondent, for which an explanation was submitted by the petitioner. After considering the said explanation a lenient view was taken against the petitioner and she was let off for the irregularities committed by her by imposing fine of Rs.1000/- vide proceedings dated 9.9.2004 of the first respondent. It is stated that even after imposition of fine, the petitioner has committed irregularities in distributing essential commodities at higher rates than the rates fixed by the Government and issued lesser quantities to the cards than the eligibility and misused 7.98 quintals of rice, 3.00 quintals of AAY rice, 0.21 Kg of sugar and 249 liters of kerosene oil were not distributed to the ration card holders. On the said irregularities, the 2nd respondent made an enquiry and submitted the report dated 6.11.2004 requesting to suspend the authorization of the petitioner. Based on the said report,

the temporary dealership granted in favour of the petitioner was terminated by the first respondent on 17.11.2004 without giving any notice. Aggrieved by the said proceedings, the petitioner has filed this writ petition.

No doubt, the temporary dealer has no right to seek allotment of the shop on regular basis. But as long as the petitioner is carrying on business as per the temporary allotment, I am of the opinion that her dealership cannot be terminated without following at least the minimum principles of natural justice. Admittedly, no notice has been issued pursuant to the enquiry report dated 6.11.2004 of the 2nd respondent. Therefore, I am of the opinion that the petitioner is at least entitled for a show cause notice before terminating her temporary dealership. Accordingly, the impugned order is set aside. The first respondent is directed to issue show cause notice to the petitioner and pass appropriate orders as expeditiously as possible.

The writ petition is, accordingly, disposed of. No order as to costs.

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(V.ESWARAIAH, J.)

25.3.2005

Note:

Issue copy within three days.

B.O.

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To

1 The Revenue Divisional Officer, Cuddapah, Cuddapah District.
2 The Mandal Revenue Officer, Rayachoty, Rayachoty Mandal,

Cuddapah District.

3. 2 copies to the Govt. Pleader for Civil Supplies, High Court Buildgins,

Hyderabad.

4. 2 C.D. copies